



NEVADA STATE BOARD OF MASSAGE THERAPY  
POLICY AND PROCEDURE

Subject: Board Responsibility for Records	Policy No. 6.1.1	
	Issued By: Board	Distribution: Nevada State Board of Massage Therapy Members and Employees
	Amends/Supersedes	
Reference(s): NRS: 239.080, 205.476 to 205.481, 239.010 to 239.012, 239.080 to 239.085, 239.300 to 239.330, 378.255(9)(a), 281.180 to 281.190, and 603.080 to 603.090 and NAC: 239.710 to 239.720, 239.090, 378.250, and 239.760		Effective Date: 11/20/2019 Updated: 01/10/2024

**I. PURPOSE**

The Nevada State Board of Massage Therapy (NSBMT) shall make, receive and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of NSBMT.

**II. POLICY**

NSBMT must make, receive and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency.

**III. SCOPE**

This policy applies to all employees working under the authority of or within the NSBMT.

**IV. RESPONSIBILITY**

- A. Employees are responsible for complying with the requirements of this policy.
- B. Supervisors are responsible for:
  - 1. Informing current incumbent employees periodically of the content and intent of this policy.
  - 2. Taking disciplinary action when an employee is in violation of this policy.

- C. The Executive Director shall be responsible for:
  - 1. Providing assistance to supervisors and employees in the interpretation and explanation of this policy.
  - 2. Assisting management in determining action to be taken if an employee violates this policy.

**V. PROCEDURES**

- A. NSBMT will adhere to the State of Nevada Records Retention schedule. The Executive Director must make, receive and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency. He/she is responsible and shall be held accountable to provide for effective controls over the creation, use, maintenance, security, distribution and disposition of these records by establishing a records management program.

The Executive Director shall take the following actions to establish and maintain the agency's records management program:

- 1. Issue a directive establishing program objectives, responsibilities, authorities, standards, guidelines and instructions.
- 2. Control the creation, maintenance, use and distribution of agency records and information to ensure that the agency:
  - a. Does not accumulate unnecessary records or gather data which do not pertain to the function of the agency.
  - b. Adheres to a records retention and disposition schedule as mandated by NRS 239.080 and NAC 239.710 to 239.720.
  - c. Does not create information system forms and reports that collect information inefficiently or unnecessarily.
  - d. Annually reviews all existing forms and reports to determine if they need to be improved or dispensed.
  - e. Design forms for computer data entry or information gathering that are easy to complete, read, transmit, process, retrieve and does not gather information which does not pertain to the functions of the agency.
  - f. Eliminates unnecessary reports, designs reports for ease of use, deletes information on reports which is not needed, and limit distribution of reports to reduce cost.
  - g. Maintains its records in a cost-effective format, which allows for the rapid retrieval and protection of the information.
  - h. Provides for the security of electronic records consistent with the security and disaster recovery standards and procedures established by the Office of the Chief Information Officer (OCIO).

- i. Establishes a written organized filing system which is standardized for all branches of the agency, provides for the supplies, personnel and equipment to properly run the filing system, and provides for an ongoing training program for staff in the use of the filing system.
  - j. Provides for the transfer of records to the State Archives of historically valuable information in accordance with NRS 239.080, 239.090, 378.250, and NAC 239.760.
  - k. Establishes written procedures for the proper access or denial of access to the public or other governmental agencies of records which have been declared by law to be confidential.
  - l. Ensures that staff attends state provided training.
- B. Prior to the creation of electronic records, the Executive Director must:
1. Consult with OCIO on the implementation of its strategic plan for information resources and information technology, the purchase and implementation of hardware and software, and the establishment of security and training programs consistent with NRS 242.
  2. Work with the State Records Management program of the Nevada State Library and Archives (NSLA) to ensure the proper use, maintenance, retention, preservation and disposal of that record, and to implement the procedures outlined in NRS Chapters 239 and 378, and NAC Chapter 239.
  3. Establish a records retention and disposition schedule for the record series to be created in accordance with NRS 239.080, NRS 378.255(3)(7), and NAC 239.710 to 239.720.
  4. Create a migration strategy and include this in a written plan for implementation to ensure that the information will be transferable to another format.
- C. The Executive Director must establish and be responsible and accountable for the implementation of written safeguards against the unlawful removal, misuse, damage, alteration, destruction or loss of records. An ongoing training program to teach staff in safeguarding records must be established. The training program must include:
1. That records in the legal custody of the agency are not to be compromised or destroyed except in accordance with NRS 239.080 and NAC 239.715 to 239.722.
  2. That penalties are provided in law for the unlawful removal, misuse, damage, alteration, destruction or loss of records as provided by NRS 205.4765 to 205.481, NRS 239.010 to 239.012, NRS 239.080 to 239.085, NRS 239.300 to 239.330, NRS 378.255(9)(a), NRS 281.180 to 281.190, and NRS 603.080 to 603.090.
- D. The Executive Director must ensure that records are protected from the unlawful removal, misuse, damage, alteration, destruction or loss. The Executive Director must inform the Attorney General of any actual, impending or threatened unlawful act regarding records in the legal custody of an agency of which he/she is the head that comes to his/her attention. With the assistance of the Attorney General and the Assistant Administrator for Archives

and Records, he/she shall initiate action as provided by NRS 378.255(9) to recover records that he/she knows or has reason to believe were unlawfully removed from his/her agency.

- E. The Executive Director shall take all measures possible to protect the records in his/her legal custody from a natural or other disaster. He or she shall be responsible and held accountable to:
  - 1. Procure the proper supplies, equipment and personnel to protect the records in his/her legal custody.
  - 2. If any damage comes to the records, this must be reported to the Assistant Administrator for Archives and Records. The Assistant Administrator for Archives and Records, as provided by NRS 378.255(6)(7), shall provide advice and all help possible in saving or restoring damaged records.
  
- F. As part of the Emergency Management Plan required by the Division of Emergency Management of the Department of Public Safety, and as allowed by NRS 378.255(6) in cooperation with the State Archivist, the head of each state agency must prepare a disaster recovery plan for the records in the legal custody of the agency. The disaster recovery plan must include measures staff will take to recover records, regardless of physical format, after a disaster has occurred. The disaster recovery plan must provide for:
  - 1. A list of vital records, in order of importance, of which efforts will be directed to protect and recover.
  - 2. A list of staff assigned responsibilities and duties to be carried out in case of an emergency.
  - 3. A list of vendors capable of rendering help in an emergency. For electronic records, agencies must follow the standards established by EITS.
  - 4. A list of equipment and supplies, with the location of each, which are to be used by staff in the recovery of records damaged or threatened by a disaster.
  - 5. An ongoing training program for staff in disaster preparedness and recovery of damaged or threatened records.
  
- G. "Officially Filed" means that records have been placed in the legal custody, care and keeping of a state agency.
  
- H. Records that have been officially filed with a state agency are subject to the provisions found in NRS Chapter 239 and NAC Chapter 239 and must be inventoried, appraised and included on a records retention schedule.
  - 1. When such records are transferred to the State Archives, legal custody is transferred to the State Archives as provided in NRS Chapter 378.
  - 2. If an approved records retention schedule provides for the destruction of such records, they may be destroyed subject to NAC 239.722.
  
- I. If any agency in the regular course of business, has kept, received or made any official state record, and in the regular course of business has caused the same to be recorded, copied,

reproduced on any photographic, Photostat, microfilm, micro card, miniature photographic, computer or other electronic recording, optical media, audio or audio-visual media, or any durable medium for so reproducing the original, the original may be destroyed in the regular course of business unless prohibited by law. The duplicate of such a record shall be deemed to be the original and must be retained according to an approved records retention schedule.

J. Electronic Records:

1. An electronic record is an official state record stored, accessed and retrieved through a machine-readable system, whether by magnetic impulse, mechanical or electronic recording or other form of data compilation. This includes all computer systems (e.g., floppy disks, optical disks, magnetic tape and hard disk) and audio-visual systems. (NRS 52.225 and 52.265). State agencies producing electronic records must be careful to include the entire record or image. If such records are required as evidence in court, they are subject to the rules of evidence in NRS 47, 51 and 52. Specifically, NRS 47.120 dealing with "Remainder of writings or recorded statements" places doubt on partial submissions of records introduced as evidence and NRS 51.155 dealing with "Public records and reports" which may be declared hearsay because the "...source of information or method or circumstances of the investigation indicates lack of trustworthiness." State agencies must ensure that electronic records establish:
  - a. The date the record was produced.
  - b. The date any alterations were produced.
  - c. Evidence the record was authorized for issue or signature.
  - d. The name of the person who authorized the record for issue or signature.
  - e. The name of the individual, business, organization or governmental entity that the record was sent.

The best way to ensure the "trustworthiness" of a computer record is to place the entire document, including images of signatures, onto the recording system. Electronic records must be kept in records storage facilities described above and maintained at a year-round temperature range of between 70° and 75° Fahrenheit. Many electronic mail systems automatically erase mail after the recipient has read it. Therefore, agency personnel must transfer such records to a medium that will ensure its retention until the authorized disposition date is met. After the authorized disposition date has passed, agencies should take steps to destroy electronic mail records. Personnel should erase the information on the disk or tape rather than just deleting them. Only by erasure or by the use of a program, which will completely overwrite the data to be destroyed, can agencies protect against unauthorized access to record information approved for destruction.

The State Archives does not have the equipment or the software capable of reading the variety of electronic records. The Board is responsible for transferring the electronic record onto bond paper, microfilm or Computer Output Microform (COM) before being sent to the State Archives.

K. Electronic Imaging Requirements for Electronic Imaging Systems:

1. All State agencies are subject to the requirements in NAC Chapter 239, sections 765 through 845. These sections deal with specific requirements that must be met to operate Electronic Imaging Systems. These requirements were established to safeguard the information being recorded and provide for the continued access as technology changes. Questions should be directed to the NSLA Records Management program in Carson City.
2. Prior to the beginning of operation of an Electronic Imaging System, a State agency must have the approval of a valid records retention schedule (see SAM Section 2018) in accordance with NRS 239.080, to have record series placed on that format. The words “This record may be placed on an electronic imaging system” must appear on the agency specific records retention schedule. This agency specific schedule must be approved by the State Records Committee (NRS 239.080) prior to the start of operation of the system.

L. Preservation of Long-Term Records:

In order to preserve long-term records (see NAC 239.630), which have been placed onto Electronic Document Imaging System, the security copy required by NRS 239.051 must be placed onto a human eye readable format. The following formats are considered to be human eye readable.

1. Microforms that meet the standards set in NAC 239.763.
2. Alkaline reserve paper (often referred to as acid neutral).
3. All electronic document-imaging systems must be capable of supporting Computer Output to Microform (COM). NRS 239.051 also sets the guidelines for destruction of public records. Following these legal requirements will satisfy backup strategies for Electronic Document Management systems.

M. File Headers: Legal Requirement:

In order to comply with the provisions of NAC 239.785, all records in their final form must be placed onto a non-proprietary TIFF format when imaged. This legal obligation allows for the image to be viewed in a universally accepted image format. Compliance will help to mitigate compatibility problems between systems. Conversion of documents to TIFF image formats will also help to reduce the potential that a document stored on a document management system could be altered without version and audit controls. 1. New versions of documents should always be stored as new TIFF Images.

2. Older versions should not be deleted without legal authority to do so and all versions should be cross-referenced.

N. Electronic Records Committee:

The Nevada Electronic Records Committee (NERC) is established under the authority of the Committee to Approve Schedules for the Retention and Disposition of Official State Records (NRS 239.073), known as the “State Records Committee,” as a formal subcommittee. The mission of NERC is to develop standards and guidelines for the creation, maintenance, accessibility, and long-term preservation of electronic records

created and received by Nevada State and local governments. General membership is open to any government employee in Nevada who is committed to working towards better electronic records solutions. The NERC creates a uniform and consistent set of Nevada policies and procedures for managing and preserving electronic records through their life cycle in an efficient, effective and economical manner; provides guidance and assistance to all governmental entities in Nevada on issues relating to public records in electronic formats; develops statewide procurement standards related to Nevada's electronic records infrastructure; conducts electronic records management training programs; and promotes the management of Nevada's public records in electronic format.

O. Archives and Records, State Library and Archives:

The State Library and Archives Administrator is charged by statute to administer Archives and Records, appoints an Assistant Administrator for Archives and Records who is responsible for maintaining the Archives and Records programs, receiving materials into the Archives from State agencies deemed to be of historical value, and providing reference and research services. With the approval of the State Records Committee, material may be returned to the State agency from which received if determination is made that the material is not of historical value.

P. Minutes of Public Bodies:

The minutes of public bodies, whether of a public or closed meeting must be created in a written format. They have been declared by NRS 241.035 to be a permanent record. This does not mean that agencies are duty bound to preserve these records indefinitely and, in fact, State agencies should not consider themselves the permanent repository for such records. Special institutions, usually named archives or special collections have been set up and staffed to handle these types of records. By authority of the General Records Retention Schedule that was authorized by the State Records Committee in accordance with NRS 239.080 and NRS 241.035, such records may be transferred to an archival repository and NAC 239.850 describes where such records may be transferred. For Executive Branch agencies, the institution to transfer these records to is the Nevada State Archives (see SAM 2038 and NAC 239.850).

## VII. POLICY EXCEPTION

On occasion there are special circumstances that may require an exception to this policy be granted. Exceptions, while not common, require the approval of the Executive Director.

## VIII. POLICY COMMUNICATION

All supervisors and managers of the NSBMT will provide their employees with a copy of this policy. Employees needing clarification should contact the Executive Director for assistance.

***This policy is not a substitute for relevant law or regulation nor does it establish additional rights beyond those provided in law and regulation. This policy is intended to be used in conjunction with federal regulations and State law.***